



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 29] नई दिल्ली, शुक्रवार, अगस्त 30, 1991/भाद्र 8, 1913
No. 29] NEW DELHI, FRIDAY, AUGUST 30, 1991/BHADRA 8, 1913

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 30th August, 1991:—

BILL No. 81 OF 1991

A Bill to provide for the establishment of a permanent Bench of the High Court of Orissa at Sambalpur.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the High Court of Orissa (Establishment of a permanent Bench at Sambalpur) Act, 1991. Short title.

2. There shall be established a permanent Bench of the High Court of Orissa at Sambalpur and such Judges of the High Court at Cuttack, being not less than five in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Sambalpur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Sambalpur, Sundergarh, Bolangir, Kalahandi and Phulbani. Establishment of a permanent Bench of High Court of Orissa at Sambalpur.

STATEMENT OF OBJECTS AND REASONS

There has been a long standing demand for setting up of a permanent Bench of the High Court of Orissa at Sambalpur. A large number of cases are pending in the Orissa High Court for a long time. Moreover, litigant public of western Orissa have to travel a distance of more than 300 kilometres for reaching the High Court of Orissa at Cuttack, which is a time consuming and costly affair.

Thus, in the interest of speedy and cheap justice and convenience of the litigant public of western Orissa, it is necessary to establish a permanent Bench of the High Court of Orissa at Sambalpur as early as possible.

The Bill seek to achieve the above objective.

NEW DELHI;
July 12, 1991

SRIBALLAV PANIGRAHI.

BILL NO. 87 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- | | |
|---|---|
| 1. This Act may be called the Constitution (Amendment) Act, 1991. | Short title. |
| 2. After article 23 of the Constitution, the following articles shall be inserted, namely:— | Insertion of new articles 23A, 23B and 23C. |
| “23A. (1) All citizens shall have the right to guaranteed employment and shall be entitled to a house to live and food to eat. | Right to employment, etc. |
| (2) Failing to provide such means as are referred to in clause (1), every citizen shall be given monetary assistance by the State to meet his day to day needs. | |

Right to
free and
compul-
sory
educa-
tion.

23B. (1) All children upto the age of twenty years shall have the right to free education.

(2) Education shall be compulsory for all children until they have completed tenth class.

(3) The State shall provide free medical and technical education to all those who have secured good marks but are not able to meet the expenses for higher medical or technical education.

Monetary
assist-
ance to
sick and
disabled.

23C. The State shall provide monetary assistance to every citizen who has completed the age of twenty years and remains chronically sick, or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself.

STATEMENT OF OBJECTS AND REASONS

Though Directive Principles of States Policy provide for right to work, education and assistance in case of unemployment, old age, sickness and disablement, and free and compulsory education for all children, it is seen that even after a lapse of many years the children have not been provided with free education. The parents of majority of children also can not afford to send their children to schools for minimum education because of their inability to provide all facilities to them. It is also seen that there are large number of citizens who have no house to live, no food to eat and they are also unemployed. Even the daily necessities of life i.e. shelter, food has not been provided to large number of citizens. Besides, there are children, who even though have got good academic records, have not been provided proper assistance by the Government for higher education as their parents can not afford the high costs of the medical and technical education. The result of this is that a large number of good students are forced to leave their studies and they remain unemployed. Therefore, this Bill seeks to give legal effect to what is contained in the Directive Principles of State Policy.

Hence this Bill

NEW DELHI;

July 16, 1991

BASAVARAJESWARI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the payment of monetary assistance to the citizens in case of unemployment, sickness and disablement and also for free and compulsory education to the children up-to tenth class. It also provides that the State shall provide to every citizen a house to live, food to eat and free medical and technical education to all those students who have secured good marks but also not able to meet the expenses of their higher education. It is not possible to give an exact estimate of the amount of recurring expenditure but a sum not exceeding twenty million rupees annually is likely to be spent from the Consolidated Fund of India in respect of Union Territories.

There will be no non-recurring expenditure.

BILL No. 88 OF 1991

A Bill to protect the rights of married women and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Married Women (Protection of Rights) Act, 1991. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) 'appropriate Government' means the Central or a State Government under whose employment the husband of the widow was at the time of his death;

(b) 'prescribed' means prescribed by rules made under this Act;

(c) 'property' means movable and immovable property, whether ancestral or not, or whether acquired jointly with other members of the family or by way of accretion to any ancestral property of the husband of a married woman, and includes deposits of the husband in provident fund, banks, shares, any public saving scheme, ornaments, land and house.

Right of
married
women.

3. A married woman shall be entitled to the following rights, namely:—

(i) she shall have the right to live in the house of her husband whether owned by him or by his joint family without seeking judicial separation or divorce from her husband;

(ii) she shall, without seeking judicial separation, be entitled to have food, clothing and other facilities and maintenance and support for herself from her husband, if she is unemployed;

(iii) she shall be entitled to have an equal share in the property of her husband from the date of her marriage and shall have all proprietary rights over that property;

(iv) she shall have the right of free access till her life to the children born out of the wedlock if they remain in the custody of her husband, irrespective of the dissolution of marriage;

(v) she shall have an option to bring up the children separately, have their custody, maintain and provide education to them consistently by remaining in the family of her husband;

(vi) she shall be consulted by her husband in the matters or family business and other financial transactions made out of the property of her husband or of the joint family; and

(vii) shall have right to work in any manner she thinks fit and proper.

Rights of
widows.

4. A widow shall be entitled to the following rights, namely:—

(i) she shall, if eligible, be entitled to get suitable employment in the event of the death of her husband if he was an employee of the appropriate Government;

(ii) she shall be entitled to pension, at such rates and on such conditions, as the appropriate Government may prescribe; and

(iii) she shall have the first claim and absolute right in the property or business of her deceased husband.

Enforce-
ability of
rights.

5. (1) The rights conferred by this Act shall be enforceable in a court of law or in a Lok Adalat

(2) Any transaction or business entered into in violation of clause (iv) of section 3 shall be null and void.

Act to
have
over-
riding
effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, Tribunal or other authority.

Power
to make
rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In the wake of independence, Indian woman has not only been able to recognise her status but has also made man recognise it. Nevertheless, the status of a woman is still far from being dignified in the Indian society. Although we are going to cross over to the 21st century, our attitude towards woman is still that of the middle-aged feudal lords. Even today we are not prepared to grant the same liberty to women which men themselves are enjoying.

Today the real cause of the exploitation of a woman by her husband is that she has got no right in the house of her husband; she has got no right in the property of the husband. Even our laws confer the right of property on a woman only after the death of her husband and not during her coverture.

If a woman's right in the property of her husband is recognised the moment she marries, she will start feeling secure and will overcome her sense of helplessness and economic insecurity. This will minimise, if not eliminate, to a great extent the cases of separation and divorce whose basic reason is economic in many cases. What she will get on divorce, society should grant her during the existence of marriage. It is the most glaring injustice and indignity to woman that while she is a partner of the husband, the latter does not even think it necessary to inform her about his financial and family transactions leave alone consulting her in this regard.

The Bill seek to achieve the above objectives by granting women certain rights which the society has so far denied to them.

NEW DELHI:

BASAVARAJESWARI

July 16, 1991.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules to give effect to the provisions of this Bill. The delegation of legislative power is of a normal character as the rules will relate to matters of detail only.

BILL NO. 80 OF 1991

A Bill to provide for ban on pre-birth sex determination tests and for matters connected witherewith.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- | | |
|--|---|
| 1. This Act may be called the Banning of Sex Determination Tests Act, 1991. | Short title |
| 2. In this Act, unless the context otherwise requires, 'sex determination test' means scientifically gaining knowledge of the sex of the foetus by means of use of amniocentesis or other modern techniques used on the pregnant women to determine the sex of the foetus. | Definition. |
| 3. All types of pre-birth sex determination tests are hereby banned. | Ban on pre-birth sex determination tests. |
| 4. Notwithstanding anything contained in any other law for the time being in force,—

(a) any medical practitioner or any person who conducts any test to determine the sex of the foetus in a pregnant woman; and | Punishment. |

(b) any expectant mother who undergoes such pre-birth sex determination test,

shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to five thousand rupees or with both.

Power
to make
rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Sex determination test centres are being operated for the last so many years in our country. Many people have earned a lot of money by operating such centres. These tests are now being increasingly used by the parents and the medical practitioners for pre-birth sex determination with the intention of aborting the female foetus. If this is allowed to continue, it would result in imbalance in male-female ratio in the country. This is high time that a legislation is brought forward to ban such tests in the country.

Hence this Bill.

NEW DELHI;
July 16, 1991.

BASAVARAJESWARL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 92 OF 1991

A Bill further to amend the Railway Protection Force Act, 1957.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Railway Protection Force (Amendment) Act, 1991.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

23 of 1957.

2. In the Railway Protection Force Act, 1957 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:—

Substi-
tution
of new
long title
for long
title.

“An Act to provide for the constitution and regulation of a Force called the Railway Protection Force for the better protection and security of railway property and for investigation of offences against railway property.”.

Amendment of section 2.

3. In section 2 of the principal Act, in sub-section (1),—
- (i) clauses (ba) and (bb) shall be omitted;
 - (ii) in clause (c), the words “other than a superior officer” shall be inserted at the end;
 - (iii) clause (ea) shall be omitted; and
 - (iv) clause (fa) shall be omitted.

Amendment of section 3.

4. In section 3 of the principal Act,—
- (i) in sub-section 1, for the words “an armed Force of the Union”, the words “a force” shall be substituted;
 - (ii) in sub-section 2, for the words “superior officers, subordinate officers, under officers and other enrolled members”, the words “superior officers and members” shall be substituted.

Amendment of section 4.

5. In section 4 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may appoint a person to be the Director-General of the Force and may appoint other persons to be Inspectors-General, Additional Inspectors-General, Deputy Inspectors-General-cum-Chief Security Officers, Deputy Chief Security Officers, Security Officers and Assistant Security Officers of the force.”.

Insertion of new section 5.

6. After section 4 of the principal Act, the following section shall be inserted, namely:—

“5. There shall be the following classes of officers and other ranks among the members of the Force, who shall take rank in the order mentioned, namely:—

A. Classes of Officers—

- (i) Inspector,
- (ii) Sub-Inspector.
- (iii) Assistant Sub-Inspector.

B. Classes of other ranks—

- (i) Head Constable.
- (ii) Naik.
- (iii) Constable.”.

Amendment of section 6.

7. In section 6 of the principal Act, for the words “enrolled members” the word “members” shall be substituted.

Substitution of new section for section 8.

8. For section 8 of the principal Act, the following section shall be substituted:—

Superintendence and administration of the Force.

“8. (1) The Superintendence of the Force shall vest in the Central Government, and subject thereto the administration of the Force shall vest in the Director-General and shall be carried on by him in accordance with the provisions of this Act and of any rules made thereunder.

(2) Subject to the provisions of sub-section (1), the administration of the Force within such local limits in relation to a railway as may be prescribed shall be carried on by the Chief Security Officer in accordance with the provisions of this Act and of any rules made thereunder, and he shall discharge his functions under the general supervision of the Director-General:

Provided that so far as the duties of protection and safeguarding the railway property are concerned, the Chief Security Officer shall discharge his functions under the general supervision of the General Manager of the Railway."

9. In section 9 of the principal Act,—

Amendment of section 9.

(i) in sub-section (1), for the words "enrolled member", at both the places where it occurs, the word "member" shall be substituted: and

(ii) in sub-section (2), for the words "enrolled member", the word "member" shall be substituted.

10. After section 12 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 12A and 12B.

"12A. When any person is arrested in accordance with clause (ii) or (iii) of section 12, the officer of the Force shall proceed to inquire into the charge against such person and for this purpose an officer of the Force may exercise the same powers and shall be subject to the same provisions as he may exercise and is subject to under the Railway Property (Unlawful Possession) Act, 1966, when inquiring into a case and/or the officer-in-charge of a Police Station may exercise and is subject to under Code of Criminal Procedure, 1973, when investigating into a cognizable offence.

Power to investigate.

29 of 1966.

2 of 1974.

12B. Any superior officer or member of the Force making an arrest under clause (i) or (iv) of section 12 shall without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken/to the nearest police station."

Procedure after arrest.

11. Section 14 of the principal Act shall be omitted.

Omission of section 14.

Substitution
of new
section
for section
15.

12. For section 15 of the principal Act, the following section shall be substituted, namely:—

Officers
and
members
of the
Force
to be
considered
always
on duty
and
liable
to be
employed
in any
part of
the Rail-
ways.

“15. (1) Every superior officer and member of the Force shall, for the purpose of the Act, be considered to be always on duty, and shall, at any time, be liable to be employed in any part of the railway throughout India.

(2) No superior officer or member of the Force shall engage himself in any employment or office other than his duty under this Act.”.

Omission
of
section
15A.

13. Section 15A of the principal Act shall be omitted.

Omission
of
section
16A.

14. Section 16A of the principal Act shall be omitted.

Substitution
of new
section
for section
17.

15. For section 17 of the principal Act, the following section shall be substituted, namely:—

Penalties
for neglect
of
duty,
etc.

“17. (1) Without prejudice to the provisions contained in section 9, every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a superior officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding six months.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable.”.

16. For section 19 of the principal Act the following section shall be substituted, namely:—

Substitution of new section for section 19.

4 of 1936.
14 of 1947.
63 of 1948.

"19. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947 or the Factories Act, 1948, shall apply to members of the Force."

Certain Acts not to apply to members of the Force.

17. In section 21 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment of section 21.

"(2) in particular and without prejudice to the generality of the foregoing powers, such rules may provide for—

(a) regulating the classes and grades and the pay and remuneration of superior officers and members of the Force and their conditions of service in the Force;

(b) regulating the powers and duties of superior officers and members of the Force authorised to exercise any functions by or under this Act;

(c) fixing the period of service for superior officers and members of the Force;

(d) regulating the punishments and providing for appeals from, or the revision of, orders of punishment, or the remission of fines or other punishments;

(e) any other matter which has to be, or may be, prescribed."

STATEMENT OF OBJECTS AND REASONS

The crime on the railways, with the railway property and to the property of the train passengers has increased manifold. There are two agencies to combat crime on the railways—(i) the Railway Protection Force, and (ii) the Government Railway Police. The Railway Protection Force is charged solely with the protection of railway property and the Government Railway Police is charged with the maintenance of law and order and to deal with other crimes on the railways. Reports of several Committees appointed by the Government of India to suggest better security and policing reveal that crime on the railways and with the railway property could not be arrested because the Railway Protection Force lacks legal powers of investigation and they depend upon the Government Railway Police, who are vested with all police powers. The Government Railway Police is not able to combat crime against railway property because of its engagement in maintenance of law and order and the crimes with the property of the railway users.

The Railway Protection Force Act, 1957, was amended in 1985 and the amendments made by the amending Act were not as per the spirit of recommendations of various Committees appointed from time to time to suggest ways and means for the better functioning of the Railway Protection Force. The Railway Protection Force was not given any legal powers of investigation and prosecution to deal effectively with various forms of crimes on the railway property. The amending Act has also abrogated the right of the personnel of the Force to form the association hitherto enjoyed by the members of the Railway Protection Force.

The Bill seeks to do away with the lacunae in the Railway Protection Force Act, 1957, which were created consequent on amendment of the Act in 1985 and to make the Railway Protection Force, a more conducive Force for the better protection of railway property.

NEW DELHI;
July 16, 1991.

BASUDEB ACHARIA.

BILL No. 91 OF 1991

A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.

Enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Abolition of Begging Act, 1991.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short
title,
extent
and com-
mence-
ment.

2. In this Act, unless the context otherwise requires, "begging" shall have the same meaning as assigned to it in clause (a) of sub-section (4), section 363A of the Indian Penal Code.

Defini-
tion.

3. Begging by any person in any manner is hereby abolished.

Aboli-
tion of
begging.

Punish-
ment for
forcing
others
into
begging.

4. Any person who forces another person into begging shall be punishable with imprisonment which shall not be less than five years.

Estab-
lishment
of res-
cue
homes
for reha-
bilita-
tion of
beggars.

5. Any person found begging shall be taken into custody by the police and sent to the nearest rescue home, to be established in each District by the Union Government or the State Government, as the case may be, wherein such person shall be provided with facilities for rehabilitation.

Power
to make
rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment, shall be without prejudice to the validity of anything previously done under that rule.

Report
to be
laid
before
Parlia-
ment.

7. The Central Government shall lay a report before both Houses of Parliament every year on the progress of the implementation of the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government and various social organisations to help the downtrodden and handicapped, begging has not stopped in the country. The number of beggars has been increasing in big cities everyday. Sometimes, young boys and girls are forced by their parents to take to begging. Even after 43 years of independence, the problem of begging is increasing day by day. It has, therefore, become necessary that legislation should be brought forward to abolish begging and to provide for rehabilitation of beggars.

Hence this Bill.

NEW DELHI;

BASAVARAJESWARI.

July 16, 1991.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of rescue homes in each district by the Union Government or the State Government, as the case may be, wherein beggars will be provided with facilities for their rehabilitation. The Central Government would have to incur expenditure from the Consolidated Fund of India for establishment of rescue homes in respect of Union territories. As far as the establishment of rescue homes in the States are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, therefor, if enacted, will involve expenditure from the Consolidated Fund of India. An annual recurring expenditure of about rupees one crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 103 OF 1991

A Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Rajkot.

BE it enacted by Parliament in the Forty-second Year of the Republic in India as follows:—

1. This Act may be called the High Court of Gujarat (Establishment of a Permanent Bench at Rajkot) Act, 1991.

Short
title.

2. There shall be established a permanent Bench of the High Court of Gujarat at Rajkot and such Judges of the High Court of Gujarat, being not less than three in number, as the Chief Justice of the High Court may from time to time nominate, shall sit at Rajkot in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Amreli, Junagadh, Rajkot, Jamnagar, Surendranagar and Bhavnagar.

Estab-
lish-
ment of
a perma-
nent
Bench of
High
Court of
Gujarat
at
Rajkot

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up of a permanent Bench of the High Court of Gujarat at Rajkot. More than 7,000 cases have been pending in Gujarat High Court for quite a long time.

It would be appropriate if a permanent Bench of the Gujarat High Court is established at Rajkot. People belonging to the Amreli, Junagadh, Rajkot, Jamnagar, Surendranagar and Bhavnagar districts of Gujarat, known as Saurashtra, have to travel to Ahmedabad in connection with their cases. It is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigant public of Saurashtra, it is necessary to establish a permanent Bench of the High Court of Gujarat at Rajkot.

The Bill seeks to achieve the above objective.

NEW DELHI;

DILEEPBHAI SANGHANI.

July 17, 1981.

BILL NO. 106 OF 1991

A Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Rajkot.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the High Court of Gujarat (Establishment of a Permanent Bench at Rajkot) Act, 1991.

Short
title.

2. There shall be established a permanent Bench of the High Court of Gujarat at Rajkot and such Judges of the High Court of Gujarat, being not less than four in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Rajkot in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Amreli, Junagadh, Rajkot, Jamnagar, Bhavnagar and Kutch.

Estab-
lish-
ment of a
perma-
nent
Bench of
High
Court of
Gujarat
at
Rajkot.

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up of a permanent Bench of the High Court of Gujarat at Rajkot. More than 6,000 cases have been pending in Gujarat High Court for quite a long time.

It would be appropriate if a permanent Bench of the Gujarat High Court is established at Rajkot. People belonging to the Amreli, Junagadh, Rajkot, Jamnagar, Bhavnagar and Kutch districts of Gujarat, known as Saurashtra, have to travel to Ahmedabad in connection with their cases. It is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigant public of Saurashtra, it is necessary to establish a Bench of the High Court of Gujarat at Rajkot.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 17, 1991.

BHAVNA CHIKHALIA.

BILL No. 114 OF 1991

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1991.

Short
title
and
com-
mence-
ment.

(2) It shall be deemed to have come into force from the 20th day of December, 1980.

40 of 1971.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, in clause (e), the following proviso shall be added at the end, namely:—

Amend-
ment of
section
2.

“Provided that occupation of the public premises as defined under items (i), (ii) and (v) of sub-clause (2) of clause (e) by a person or body, who is a tenant or a deemed tenant, as the case may be, or by any other person who has been given protection against eviction under any Rent Control Act or under any other such law, in operation in a State or Union territory, as the case may be, where such public premises are situated, shall not be construed as unauthorised occupation irrespective of the fact whether the authority under which he was allowed to occupy such public premises has expired or has been determined for any reason whatsoever.”.

STATEMENT OF OBJECTS AND REASONS

The Public Premises (Eviction of Unauthorised Occupants) Act, 1971, was enacted to provide a speedy mechanism, for the eviction of persons who are in unauthorised occupation of public premises keeping in view, at the same time, the necessity of complying with the provisions of the Constitution. The Amending Act of 1980 included in the definition of 'Public Premises' buildings belonging to Government Companies, Corporations and Port Trusts as it was felt that it was in the public interest that such bodies are also given the benefit of a speedy mechanism for eviction of unauthorised occupants from their premises.

Government Companies, Corporations and Port Trusts, however, possess a large number of premises in the occupation of tenants who were protected by the respective State Rent Acts prior to the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1980. Moreover, the occupation of these premises by such tenants is, in no way, related to their service with the respective statutory authority. The application of this amending Act of 1980 to such lawful tenants has caused them unforeseen and unintended hardships as they are being evicted as 'unauthorised occupants' by the mere issue of a notice terminating their subsisting right of occupation. These lawful tenants and occupants have been unable to get protection from the courts, as the Supreme Court has held that the Act, as it stands today, has precedence over the Rent Control Acts of the States/Union territories.

The purpose of the Bill is to exclude from the purview of the Act all lawful tenants, protected tenants and deemed tenants and occupants of the public premises belonging to the Government Companies, Corporations and Port Trusts. The benefit of speedy mechanism for eviction of unauthorised occupants under the Act will however continue to be available to all statutory authorities, thus fulfilling the purpose of the Act.

Hence this Bill.

NEW DELHI;

SHARAD DIGHE.

July 18, 1991.

BILL NO. 94 OF 1991

A Bill to provide for the establishment of a permanent Bench of the High Court of Andhra Pradesh at Guntur

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the High Court of Andhra Pradesh (Establishment of a Permanent Bench at Guntur) Act, 1991.

Short
title.

2. There shall be established a permanent Bench of the High Court of Andhra Pradesh at Guntur and such Judges of the High Court of Andhra Pradesh, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Guntur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur, Prakasam and Nellore.

Estab-
lishment
of a
perma-
nent
Bench of
High
Court of
Andhra
Pradesh
at
Guntur.

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up of a permanent Bench of the High Court of Andhra Pradesh at Guntur. More than 16,000 cases have been pending in the Andhra Pradesh High Court for quite a long time.

It would be appropriate if a Bench of the Andhra Pradesh High Court is established at Guntur. People belonging to coastal districts of Andhra Pradesh have to travel to Hyderabad in connection with their cases. It is a very time consuming and costly affair. Earlier, after separation of existing Andhra State of Andhra Pradesh from composite state of Madras, a High Court was established at Guntur. But later, High Court of Andhra Pradesh was established at Hyderabad. Even now buildings and other facilities are available at Guntur to locate the permanent Bench of the Andhra Pradesh High Court at Guntur.

In the interest of speedy and cheap justice and convenience of the litigant public, it is necessary to establish a Bench of the High Court of Andhra Pradesh at Guntur.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 18, 1991.

VADDE SOBHANADREESWARA RAO.

BILL NO. 107 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- | | |
|---|-------------------------------|
| 1. (1) This Act may be called the Constitution (Amendment) Act, 1991. | Short title and commencement. |
| (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. | |
| 2. In article 58 of the Constitution, in clause (1), for sub-clause (a), the following sub-clause shall be substituted, namely:—
“(a) is a citizen of India by birth,” | Amendment of article 58. |
| 3. In article 66 of the Constitution, in clause (3), for sub-clause (a), the following sub-clause shall be substituted, namely:—
“(a) is a citizen of India by birth;” | Amendment of article 66. |

Amendment
of article
75.

4. In article 75 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that the person who is appointed as, Prime Minister or a Minister shall be a citizen of India by birth.”.

Amendment
of article
76.

5. In article 76 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that a person who is appointed as Attorney-General for India shall be a citizen of India by birth.”.

Amendment
of article
89.

6. In article 89 of the Constitution, in clause (2), the following proviso shall be added at the end, namely:—

“Provided that a person who is chosen as the Deputy Chairman of the Council shall be a citizen of India by birth.”.

Amendment
of article
93.

7. In article 93 of the Constitution, the following proviso shall be added at the end, namely:—

“Provided that a person who is chosen as the Speaker or Deputy Speaker, as the case may be, of the House shall be, a citizen of India by birth.”.

Amendment
of article
124.

8. In article 124 of the Constitution, in clause (3), the following proviso shall be inserted before the *Explanation* 1, namely:—

“Provided that a person shall not be qualified for appointment as Chief Justice of India unless he is a citizen of India by birth.”.

Amendment
of article
148.

9. In article 148 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:—

“Provided that a person who is appointed as the Comptroller and Auditor-General of India shall be a citizen of India by birth.”.

Amendment
of article
157.

10. In article 157 of the Constitution, for the words “citizen of India”, the words “citizen of India by birth” shall be substituted.

Amendment
of article
324.

11. In article 324 of the Constitution, in clause (2), the following proviso shall be added at the end, namely:—

“Provided that a person appointed as the Chief Election Commissioner shall be a citizen of India by birth.”.

STATEMENT OF OBJECTS AND REASONS

In U.S.A. a person is appointed as the head of the Government only if he is a citizen of that country by birth. In England, King or Queen should be a christian. A person who has lived almost all his life abroad and having allegiance to another country, may although become citizen of the country, should not be allowed to occupy important and sensitive position in the country.

The Bill aims to avoid a situation wherein a person who is not a citizen of the country by birth and who has lived abroad for quite a long time or for most of his life holds an important position like President, Prime Minister, etc. in the country. The Bill accordingly seeks to amend the Constitution in order to make eligible a person to hold an important office under the Constitution only if he is a citizen of our country by birth.

NEW DELHI;

VISHWANATH SHARMA.

July 19, 1991.

BILL No. 116 OF 1991

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Representation of the People (Amendment) Act, 1991.

Amend-
ment of
section 36.

2. In the Representation of the People Act, 1951, in section 36, in sub-section (2), after clause (c), the following clause and *Explanation* thereto shall be added, namely:—

43 of 1951.

“(d) that the candidate has not attached receipt of purchase of one copy of the electoral roll of the parliamentary constituency from where the nomination papers have been filed.

Explanation.—For the purposes of clause (d), candidate means and includes any person who has delivered nomination papers, as per the provisions of section 33, for election to the House of the People but does not include a candidate belonging to a political party recognised by the Election Commission.”.

STATEMENT OF OBJECTS AND REASONS

There has been a definite trend in the increase in the number of candidates contesting the elections to the Lok Sabha. There is no restriction on the number of contesting candidates. Since the amount to be deposited at the time of filing nomination is rupees five hundred only, many non-serious candidates file the nomination either because they wish to make money by selling polling agent forms and counting agent forms to the interested persons or because they want to gain popularity. Because of increase in the number of contesting candidates, the ballot paper is becoming very big causing confusion among illiterate voters. Not only Government has to spend more money for preparation of ballot papers, etc., but also more time is consumed during counting.

The Committee on Electoral reforms suggested that steps should be taken to discourage the non-serious candidates. One way of discouraging non-serious candidates is to insist on purchasing of atleast one copy of the electoral roll of the concerned parliamentary constituency, which may cost few thousands of rupees, by each candidate who does not belong to a recognised political party. So, if the production of the receipt of the purchase of at least one copy of electoral roll by the candidate of the parliamentary constituency from where he has filed his nomination is made compulsory at the time of scrutiny, the number of non-serious candidate will definitely come down.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 19, 1991.

VADDE SOBHANADREESWARA RAO.

BILL NO. 109 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1991.

Amend-
ment of
eighth
Schedule.

2. In the Eighth Schedule to the Constitution, entries 11 to 15 shall be re-numbered as entries 12 to 16 respectively and before entry 12 as so re-numbered, the entry "11. Rajasthani." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Rajasthani language is the language of about three crores of Rajasthanis and yet it has not found a place so far in the Eighth Schedule to the Constitution. There is plenty of rich literature in Rajasthani language. It is spoken by almost all Rajasthanis in and outside the State of Rajasthan.

In view of this, it has become necessary that the Eighth Schedule to the Constitution is suitably amended to include Rajasthani language in it so as to give recognition to the language spoken by more than three crores of people.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 20, 1991.

GUMANMAL LODHA.

BILL No. 110 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1991.

Amend-
ment of
article
48.

2. In article 48 of the Constitution, for the words “and prohibiting the slaughter, of cows and calves”, the words “and prohibiting the slaughter, of cow and its progeny” shall be substituted.

Amend-
ment of
Seventh
Schedule.

3. In the Seventh Schedule to the Constitution,—

(i) In List II—State List, for entry 15, the following entry shall be substituted, namely:—

“15. Preservation, protection and improvement of stock and prevention of animal diseases subject to the provisions of entry 17 of List III; veterinary training and practice.”; and

(ii) In List III—Concurrent List, for entry 17, the following entry shall be substituted, namely:—

“17. Prohibition of slaughter of cow and its progeny; prevention of cruelty to animals including sacrifice of animals for religious purposes.”.

STATEMENT OF OBJECTS AND REASONS

Although article 48 of the Constitution provides for prohibition of slaughter of cows and calves and other milch and draught cattle, the States of West Bengal and Kerala have not yet introduced prohibition of cow slaughter. Moreover, article 48 provides for prohibition of cow slaughter and not for the progeny of cow.

In the absence of an entry providing for prohibition of slaughter of cow and its progeny in List III—Concurrent List of the Seventh Schedule to the Constitution, the Parliament cannot enact a law for the prohibition of cow slaughter. The Supreme Court in the past has taken the view that though a ban on cow slaughter is constitutional yet slaughter of other animals like bullock, buffaloes, etc. can be allowed if such animals are not economically viable.

The people of India, both for economic and religious reasons, have always demanded complete ban on slaughter of cow and its progeny and other milch animals but it has not been accepted so far.

Hence this Bill.

NEW DELHI,

GUMANMAL LODHA.

July 20, 1991

BILL NO. 108 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic

1. This Act may be called the Constitution (Amendment) Act, 1991.

2. In article 311 of the Constitution,—

(i) in Clause (2),—

(a) in the first proviso, the words “and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed” shall be omitted;

(b) the second proviso shall be omitted; and

(ii) Clause (3) shall be omitted.

Short
title.

Amend-
ment of
article
311.

STATEMENT OF OBJECTS AND REASONS

In the past provisions of articles 310 and 311 of the Constitution have been used to dismiss the Government and semi-Government employees on different grounds including their political connections. Though all agree that in our democratic polity everyone has the right to have faith in different political ideologies and to express and profess the same within the parameters of our Fundamental Rights guaranteed by the Constitution, some persons holding high offices sometimes get motivated to take action against Government servants of differing political faiths. The matter whether the Government or semi-Government servants have violated the law of the land or not must be decided not by the persons holding relatively superior office but by the judiciary.

Hence this Bill.

NEW DELHI;

SUDHIR GIRI.

July 24, 1991.

BILL NO. 97 OF 1991

A Bill to provide for the welfare of women employed in various industries and establishments.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the **Working Women Welfare Act, 1991**.

(2) It extends to the **whole of India**.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means, in relation to the centrally owned public sector undertakings, the Central Government and in relation to any other public undertakings, the State Governments;

(b) “child” includes a still-born child;

(c) “employer” means—

(i) in relation to an establishment which is under the control of the appropriate Government, a person or authority appointed by the appropriate Government, for the supervision and

Short
title
and
extent.

Defini-
tions.

control of employees or where no person or authority is so appointed, the head of the department:

(ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed the chief executive officer of the local authority;

(iii) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, or by any other name, such person;

(d) "establishment" means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an agricultural field;

(v) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances;

63 of 1948.

(e) "factory" means a factory as defined in the Factories Act, 1948;

(f) "Fund" means the Working Women Welfare Fund constituted under section 3 of this Act;

14 of 1947.

(g) "industry" means an industry as defined in the Industrial Disputes Act, 1947;

(h) "women" means and includes a woman employed, whether directly or through any agency, for wages or for similar other consideration in any establishment or industry;

(i) definition of any other term, relating to women employees, for the purpose of this Act, shall be the same as defined in any labour law, applicable in such cases.

3. (1) The Central Government shall constitute a Fund to be called the Working Women Welfare Fund for carrying out the purposes of section 4.

(2) The appropriate Government and the employers of women employees each shall contribute separately to the Fund at the rate of ten per cent. of wages payable to each of the women employed by an employer.

(3) The women employees shall not be required to contribute anything to the Fund.

4. The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with the measures which are necessary or expedient to promote the welfare of the women employees employed in various industries and establishments including Government

Constitution of Working Women Welfare Fund.

Application of Fund.

establishments and to defray the cost of measures for the benefit of women employees employed in various industries and establishments and in particular—

- (i) to ensure the right to work for the women employees in any industry or establishment;
- (ii) to ensure equal wages to women employees;
- (iii) to ensure steady and definite increase of the women employees in the total work force;
- (iv) to ensure after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;
- (v) to ensure child care facilities for the women employees with minimum needs like milk,iffin, clothes, toys and trained ayahs to look after the children;
- (vi) to ensure mobile child care facilities for agricultural women employees;
- (vii) to ensure retiring rooms with adequate facilities like bath-rooms, latrines, etc. at the work-site for the women employees;
- (viii) to ensure residential facilities for the women employees nearest to the place of work;
- (ix) to ensure recreational facilities for the kids of the women employees at the child care centres;
- (x) to ensure proper and adequate security arrangements for the women employees at the work site as well as to and from their residential places;
- (xi) to ensure improved and conducive working conditions for the women employees;
- (xii) to ensure reservation of beds in the hospitals for women employees;
- (xiii) to ensure proper and adequate maternity facilities for the women employees;
- (xiv) to ensure equality for married and unmarried women employees in the employment as well as in service conditions and wages;
- (xv) to ensure hostel facilities for women employees, both married and unmarried nearest to the place of work;
- (xvi) to ensure cheap safe and quick transportation facilities for women employees;
- (xvii) to ensure protection from health hazards, particularly for the women employees working in industries like cashew, mines, tobacco construction projects, etc.

5. The Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class

Representa-
tion of women
employees in
trade
unions.

6. (1) The Central Government shall constitute in every State and Union territory an Advisory Committee in respect of the area at the city level, district level and an apex body at State level, consisting of equal number of representatives from the appropriate Government, the employees and the trade unions, who shall preferably be women, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by the Central Government including matters relating to the application of the Fund.

Constitution of Advisory Committees.

(2) The members of committees so constituted shall from amongst themselves elect the Chairmen of the committees.

(3) The Central Government shall publish in the Official Gazette the names of the members of all Advisory Committees.

7. The Central Government shall constitute a Central Advisory Committee which shall coordinate the functioning of all the Advisory Committees for their proper functioning and for the adoption of uniform policies.

Central Advisory Committee.

8. The appropriate Government may, by notification in the Official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provisions of this Act.

Appointment of officers.

9. The Advisory Committee at the district level shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer of the area regarding women employed by them and their specific needs, if any.

Register of women employees.

10. Each Advisory Committee shall, as soon as may be after the end of each financial year, prepare a comprehensive report of its activities of the previous year, which were financed from the Fund together with a statement of accounts.

Annual report of Advisory Committees.

11. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish for the purposes of this Act, such statistical and other information, in such form and within such period as may be prescribed.

Employer to furnish information in respect of women employees.

12. The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law or in the terms of any award, agreement or contract of employment, whether made before or after the coming into force of this Act, but where under any such award, agreement, contract of employment or otherwise, a woman employee is entitled to benefits in respect of any matters which are more favourable to her than those to which she would be entitled under this Act, she shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

Overriding effect of the Act.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The number of working women in industries and establishments is substantial and their living conditions need amelioration. Welfare facilities which are at present being made available to and enjoyed by the working women in various industries and establishments are not adequate and satisfactory. These measures have limited coverage in as much as they prescribe some measures to improve the working conditions of the working women in industrial premises only, such as cleanliness, ventilation, first aid, canteen, regulated working hours, weekly holidays, etc. In so far as the field of labour welfare is concerned, the existing enactments do not provide for proper medical, educational, recreational facilities for working women as well as for their children. Regarding security, transport, accommodation, special facilities for some special problems peculiar to women, no enactment has been made. There are enough loopholes for the employers to escape the provisions of the existing enactments. Hence, it is felt that the burden to give reasonable working conditions and other facilities to the working women must fall upon the Government. A common fund for the welfare of the working women in all the industries and establishments will considerably reduce the administrative expenditure as well as the gap between the need and the availability of welfare measures for the working women. This Bill is intended to supplement the efforts of the employers or the Government in ameliorating the living conditions of the working women.

NEW DELHI;

UMABHARTI

July 19, 1991.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Working Women Welfare Fund. The Central Government and employers of women employees shall each contribute separately to the fund at the rate of ten per cent. of the wages paid by them to the women employees. Clause 6 provides for the constitution of Advisory Committees at the city, district and State levels. Clause 7 provides for the constitution of a Central Advisory Committee. Clause 8 provides for the appointment of officers for the proper enforcement of the Act. Clause 9 provides for the district level committees to maintain a register of women employees in its area. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve expenditure of about rupees five crores per annum.

A non-recurring expenditure of about rupees five lakhs is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 105 OF 1991

A Bill to provide for the right to trace one's lineage from the side of one's mother.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Mother's Lineage Act, 1991.

Estab-
lish-
ment of
lineage.

2. Notwithstanding anything contained in any law for the time being in force throughout the territory of India, it shall be unlawful for any Government, authority or person, to compel any other person who is a citizen of India to fill and sign any form, statutory or non-statutory, official or non-official, which provides for establishing a person's lineage only through his or her father or to prohibit him or her to write his or her mother's name instead

3. After the coming into force of this Act, it shall be lawful for any, citizen of India to refuse to fill a form requiring him or her to give his or her father's name or her husband's name and which does not give him or her the option to give the name of his or her mother.

Right to
refuse to
fill forms
in certain
cases.

4. It shall be a grave misdemeanour under this Act for any person to describe any citizen of India as "bastard".

Misde-
meanour
under the
Act.

5. (1) Whosoever compels any citizen of India to act in a manner contrary to the provisions of sections 2 and 3 of this Act or discriminates against any citizen on the ground of the citizen's refusal to act in a manner which is against the provisions of these sections, shall be punishable with rigorous imprisonment for a term which may extend to one month and fine of five hundred rupees or one month's imprisonment in lieu thereof.

Penalties.

(2) The misdemeanour mentioned in section 4 shall be punishable with rigorous imprisonment for a term which may extend to one year and a fine of five hundred rupees or one month's imprisonment in lieu thereof.

STATEMENT OF OBJECTS AND REASONS

The seven revolutions that are currently moulding the destiny of mankind are inter-related revolutions. Important among these revolutions is the transformation of the man-woman relationship and the establishment of equality between the two sexes. In order to make the man-woman equality a reality, the human mind will have to liberate itself from many obsolete concepts which are associated with the possessive, property-conscious, male-dominated society.

The concept of "illegitimacy" and the practice of tracing one's lineage solely from the father's side is one such reactionary and fossilised concept. The reactionary attitudes, which form the unspelt basis of the present official and non-official practices, and decisions of the courts will have to be discarded completely if the egalitarian principles of the Constitution are to conform and elevate our social life.

In India, there has been going on for the last three thousand years a conflict between the liberal attitude on the one hand and the orthodox standpoint on the other. The story of the sage Jabali is well known. This "illegitimate" son of his mother when questioned about the identity of his father pleaded ignorance, went to his mother and when informed that she could not say definitely who his father was, came back and gave a truthful account of what his mother had told him. For his fearless and truthful utterance the people of ancient India not only honoured him but canonised him as a sage. The present reactionary attitudes, therefore, are contrary to the liberal spirit to which the legend of Jabali bears witness.

The life of thousands of people and their mothers is being made miserable because of the fossilised attitudes that prevail in our society today. This Bill seeks to remove the stigma of "illegitimacy" from those thousands of unfortunate people, "illegitimate" sons and daughters of their mothers, who are being persecuted by society for no fault of theirs.

NEW DELHI;

UMABHARTI.

July 19, 1991.

BILL No. 104 OF 1991

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Forty-second year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991. Short title.
2. In article 371 of the Constitution, in clause (2), in sub-clause (a), for the words "Saurashtra, Kutch", the words "Saurashtra, Kutch, Banaskantha" shall be substituted. Amendment of article 371.

STATEMENT OF OBJECTS AND REASONS

For years, the Banaskantha district in the Gujarat State has remained backward and under-developed. Banaskantha district is on the border with Pakistan and as such it requires special treatment. Unless a separate development board is set up for the Banaskantha district, it will not secure adequate opportunity and investment for its development. This Bill seeks to provide for setting up of a separate development board for the backward Banaskantha district of the Gujarat State.

NEW DELHI;

HARISINH PRATAPSINH CHAVDA.

July 25, 1991.

BILL No. 99 OF 1991

A Bill further to amend the Constitution (Scheduled Tribes) Order 1950.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order, 1950 (Amendment) Act, 1991.

Short
title and
commen-
cement.

C. O. 22

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part VII.—Kerala, after entry 3, the following entry shall be inserted, namely:—

Amend-
ment of
the Sched-
ule.

“3A. Fisherman”.

STATEMENT OF OBJECTS AND REASONS

The fishermen living in the coastal regions of the country are one of the most backward sections of the Indian society. Living in extremely hazardous conditions, this, economically, socially and educationally backward community has not attracted the national attention so far. Although the fishermen profess different faiths, they have their own distinct culture which they have preserved through centuries.

Their inclusion in the list of Scheduled Tribes will be the first major step towards their economic and social emancipation.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 25, 1991.

K. V. THOMAS.

BILL NO. 100 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991. Short title.

2. After article 30 of the Constitution, the following article and sub-heading shall be inserted, namely:—

“Right to Work

Insertion of
new
article
31.

31. (1) All citizens who have attained the age of eighteen years and above shall have the right to work.

Right
to
work.

(2) Any person who is eligible for employment under clause (1) and not provided with a job, shall be entitled to assistance from the State,

adequate for the sustenance of his livelihood, till he is provided with a job by the State or for a period of not more than ten years, whichever is earlier.

(3) Nothing in clause (1) shall affect the operation of any existing law in so far as it relates, or prevents the State from making any law relating, to determination of any professional or technical qualification or physical fitness required for any particular kind of job keeping in view the maintenance of efficiency of administration of the State.”.

STATEMENT OF OBJECTS AND REASONS

The founding fathers of our Constitution desired to safeguard the fundamental rights of the Indian citizens by putting them in black and white in the Constitution. One important fact remains that the right to work has not yet been given constitutional sanctity. It is the duty of the State, under article 41 of the Constitution to make effective provision for securing the right to work, within the limits of its economic capacity and development, and to public assistance in cases of unemployment, etc. The provision is not enforceable and therefore the right to work remains only a Directive Principle of State Policy to be adopted by the State and has not yet been established as a fundamental right.

In the present context of unprecedented, unemployment situation in the country, the desire of the founding fathers, fettered in the Directive Principles of State Policy, should be given its due place in Part III of the Constitution which enshrines the fundamental rights of the citizens.

Further, it will not be possible for a society, preparing for crossing threshold of the century, to contain the growing frustrations as well as increasing awareness of youths for employment.

It would, therefore, be in the best interests of the society to strengthen the basis of fundamental rights guaranteed in the Constitution by providing for right to work. It is to be borne in mind that without the right to work the talk of other rights appear to be meaningless to the innumerable masses.

The Bill seeks to achieve the above objects.

NEW DELHI;
July 29, 1991

SUDHIR GIRI.

FINANCIAL MEMORANDUM

At this stage, it cannot be ascertained what would really be the amount of money required for providing jobs and assistance to the unemployed youths. However, the Bill, if enacted, is likely to involve an annual recurring expenditure of rupees five hundred crores from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crores may be sufficient to start the scheme.

BILL NO. 98 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- | | |
|--|---|
| 1. This Act may be called the Constitution (Amendment) Act, 1991. | Short title. |
| 2. In article 29 of the Constitution, clause (2) shall be omitted. | Amendment of article 29. |
| 3. After article 29 of the Constitution, the following article shall be inserted, namely:— | Insertion of new article, 29A. |
| <p>"29A. (1) Every citizen until he completes the age of fourteen years shall have the right to free and compulsory education.</p> <p>(2) No citizen shall be subject to any disability, restriction or condition with regard to admission to any educational institution maintained by the State or receiving aid out of the State funds or dedicated to the use of the general public."</p> | Right to free and compulsory education. |

Substitu-
tion of
new
article
for article
45.

4. For article 45 of the Constitution, the following article shall be substituted, namely:—

Eradica-
tion of
illiter-
acy.

**“45. The State shall, with in a period of ten years from the commence-
ment of the Constitution (Amendment) Act, 1991, take steps for eradica-
tion of illiteracy in the country.”.**

STATEMENT OF OBJECTS AND REASONS

The solemn desire of the people after emancipation from the yoke of the colonial rule for constituting India into a "Sovereign Socialist Secular Democratic Republic" presupposes the fulfilment of the minimum basic need of human lives. Education is one such fundamental ingredient of the civilized man. The 1991 census possibly goes to establish the fact that more than fifty per cent. of our population are illiterate **even** though the founding fathers of the Constitution expressed forty years back their pious wish of providing free and compulsory education to all children until they complete the age of fourteen years as laid down under article 45 thereof. As the Directive specified in Part IV of the Constitution are not enforceable in the Courts and do not create any justiciable rights in favour of individuals, the Courts are not competent to compel the Government to carry out any Directive or to make any law for that purpose. It is the legislature which alone can translate the Directive into law for its effective implementation. As the Directive of free and compulsory education has remained a mere pious wish for over a period of forty-one years, the Bill now seeks to make the Directive fruitful by way of effecting a law, which is enforceable and justiciable.

Hence this Bill.

NEW DELHI;

SUDHIR GIRI.

July 29, 1991.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory education to all citizens until they complete the age of fourteen years. This would require the establishment of many more educational institutions and employment of teachers. Clause 4 provides that the State shall take steps to eradicate illiteracy in the country within a period of ten years from commencement of the Constitution (Amendment) Act, 1991. Although, the provision has been included in the Directive Principles of the State Policy, our country, being a welfare State, has to implement it in letter and spirit.

Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India in respect of schools in Union territories. However, the Central Government has to make financial grants to the State Governments in implementing the provisions of the Bill.

It is estimated that a sum of rupees three hundred crores is likely to be incurred per annum from the Consolidated Fund of India.

An amount of rupees two thousand crores is also likely to be incurred by way of non-recurring expenditure.

BILL NO. 113 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991.

Short
title.

2. In article 356 of the Constitution, in clause (1),—

Amend-
ment of
article
356.

(i) for the words "Government of the State cannot be carried on in accordance with the provisions of this Constitution.", the words "Council of the Ministers of the State has lost majority or has adopted measures which tantamount to subversion of the sovereignty of the country" shall be substituted;

(ii) before the existing proviso, the following provisos shall be inserted, namely:—

"Provided that the fact whether the Council of Ministers has lost majority shall be proved on the floor of the Legislative Assembly of the State:

Provided further that the satisfaction of the President whether the Government of the State indulged in an act of subverting the sovereignty of the country shall be based on facts."

STATEMENT OF OBJECTS AND REASONS

The founding fathers of our Constitution conceived of the Indian Polity as a federation to successfully maintain the healthy relationship between the Centre and the States on the basis of the principles of democracy and equality. They had faith in the forwarding role of the Centre in the eventualities of external aggression, internal disturbance and armed rebellion within the country. It was expected that the States would ensure their own administration towards the fulfilment of the objectives set out in the Constitution. Both the Centre and the States were considered to be inseparable—each serving the other with the goal of making the nation prosperous. But in the past the Centre could not play its part to the satisfaction of all concerned. Because of its superior position in all respects, the Centre's invocation of article 356 in the situation not warranting it complicated the whole political atmosphere in the country. A Commission, namely, Sarkaria Commission had to be set up to go in to issues relating to Centre-State relationship. The recommendations formulated by the Commission have not been implemented so far. All this has created serious problems to maintain the unity and integrity of the nation. Serious breaches of trust among the States and the Centre have started and it requires immediate solution. The measures suggested in the Bill will generate confidence among the people in the achievement of justice and pave the way for the solution of the vexed problems faced by our nation today.

The Bill accordingly seeks to amend the Constitution to restrict the power of the President in the matter of imposition of President's rule in the States.

NEW DELHI;

SUDHIR GIRI.

July 29, 1991.

K. C. RASTOGI,
Secretary-General.